

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MITCHELL J. GRIFFITH,)	
)	
Plaintiff,)	
vs.)	NO. CIV-07-0673-HE
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

ORDER


Plaintiff Mitchell Griffith instituted this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits and supplemental security income payments. Pursuant to 28 U.S.C. § 636(b)(1)(B), this matter was referred to Magistrate Judge Shon T. Erwin, who recommended that the decision of the Commissioner be reversed and the case remanded for further administrative proceedings.

Defendant has failed to object to the Report and Recommendation and, therefore, has waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1); LCvR 72.1(a).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. # 16], **REVERSES** the Commissioner's decision, and **REMANDS** the case for further administrative proceedings consistent with this opinion.

IT IS SO ORDERED.

Dated this 20th day of June, 2008.



JOE HEATON
UNITED STATES DISTRICT JUDGE